

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1931/P1dn
ARG:sac:jm

March 25, 2013

The attached draft includes changes to s. 349.13 (3m), stats. I am not sure of the history of s. 349.13 (3m), stats., but the language in this provision is very unusual. For example, “traffic officer” is a defined term in ch. 349, see s. 340.01 (70), stats., so I have used this term in drafting changes to this provision. Also, a citation serves as a formal complaint, see ss. 345.28 (2) and 345.40, stats., so I have removed the reference to a “formal complaint” in this provision. In this draft, I have not treated s. 349.13 (5), stats. From the drafting instructions, it is not clear how the vehicle removal process would work. Would the property owner call a towing service and have the vehicle towed? If so, who would be responsible for the towing charges if no citation is issued? Under current law, a traffic officer has certain responsibilities intended to facilitate notice to a vehicle owner whose vehicle is towed to certain locations. See s. 349.13 (5) (c), stats. This bill does not impose similar responsibilities on a property owner that has a vehicle towed, since a property owner does not have the same access to DOT’s vehicle owner records that a traffic officer has. I also note that s. 349.137, stats., allows municipalities to enact ordinances authorizing parking enforcers to “boot” cars illegally parked on private property and s. 342.40, stats., allows the towing of certain “abandoned” (presumed after 48 hours) vehicles from private property.

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